

Remarks

A. **Background**

Claims 1-20 were pending, with claims 6, 8, 14, and 20 being withdrawn. The Office Action rejected claims 3 and 11 under 35 U.S.C. § 112, second paragraph, as being indefinite, claims 1-5, 7, 9-13, and 15-16 under 35 U.S.C § 102 as being anticipated by cited prior art and claims 17-19 under 35 U.S.C. § 103 as being obvious in view of cited prior art. By this response, Applicants amended claims 1, 3, 10, and 11. Accordingly, claims 1-5, 7, 9-13, and 15-19 are presented for the Examiner's consideration in light of the following remarks.

B. **Rejections under 35 U.S.C. § 112**

Claims 3 and 11 were rejected in the Office Action as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended the claims to more particularly point out the subject matter which Applicants regard as the invention. Applicants, therefore, respectfully submit that the rejection under 35 U.S.C. § 112 be removed.

C. **Rejections under 102(a and/or e) and 103(a).**

The pending claims 1-5, 7, 9, -13 and 15-19 were rejected under either 35 U.S.C § 102 or 35 U.S.C § 103 in view of United States Patent No. 6,355,014, issued to Zadno-Azizi et al. (the '014 patent). The '014 patent discloses a low profile catheter valve. The '014 patent includes a valve disposed at a proximal end of the catheter. The proximal end of the catheter is illustrated in Figures 12 and 13 and is depicted as having a generally uniform cross-sectional dimension. Other

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embodiments depicted in Figures 1-3B also illustrate the proximal end has having a generally uniform cross-sectional dimension.

In contrast, independent claims 1 and 10 recite “at least part of the proximal end portion of the elongated body having an outer cross-sectional dimension less than an outer cross-sectional dimension of another portion of the proximal end portion of the elongated body.” This is neither taught nor suggested by the ‘014 patent.

Applicants respectively submit that independent claims 1 and 10, as amended and presented herein, are neither disclosed in the ‘014 patent nor obvious variations of the devices or methods disclosed therein. Since claims 2-5, 7, 9, 11-13, and 15-19 depend from independent claims 1 and 10 respectively, applicant respectfully submits that claims 1-5, 7, 9, -13 and 15-19 as amended and presented herein, overcome the rejections based on Section 102 and Section 103.

D. Conclusion

Applicants believe that through the above amendments presented herein as well as the remarks presented above, the present application is in condition for allowance. Applicants respectfully request that the application be advance to allowance as soon as possible.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Deposit Account Authorization

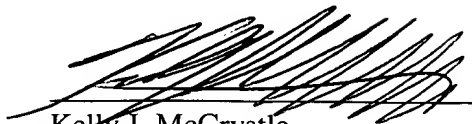
Authorization is hereby given to charge our Deposit Account No. 01-0025 for any

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charges that may be due or credit our account for any overpayment.

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10/19/04
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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kelly J. McCrystle', written over a horizontal line.

Kelly J. McCrystle
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AMENDMENTS TO THE DRAWINGS

Attached is a list of proposed drawing changes, wherein marked up copies of the drawings have been included to show changes made thereto in red ink. With regard to the drawings, Applicants submit the following amendments to the drawings, wherein no new matter has been added through the following amendments:

Figures 2 and 2B - Change reference number 162 to 169 to conform to the specification, and add reference number 123 to denote chamber defined by the balloon 120.

Figure 6 – Included reference number 101 for lumen, and removal of one of the arrowed lines and reference number 115;

Figure 9 – Deleted reference number 156 and associate reference line;

Figure 11 – Move reference line for #104 to end of elongated body 105 rather than end of valve body 150;

Figure 12 – Add reference number 90 to the line delineated by the double headed arrows and indicating the distance the valve may move;

Figure 20 – Changed reference numbers 115 to 515 and 513 to 519;

Figure 21 – Changed reference number 115 to 515;

Figure 22 – Changed reference number 556 to 551;

Figure 24 – Added reference number 451 with associated reference line to identify the cavity.

Figure 28 - Added reference number 801 with associated reference line to identify the lumen;

Figure 32 – Added reference numbers 800, 805, 817, 850, 852, 854, and 855 with appropriate reference lines; and

Figure 33 – Changed reference number 156 to 151.